

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Honorable Stephen L. Johnson
Thursday, November 17, 2011**

Current as of 11/16/2011 at 11:55 AM

San Jose Courtroom 3099

**U.S. Courthouse and Federal Bldg.
280 S 1st Street
San Jose, CA 95113**

9:30 AM **07-50602** Abraham Salamat Zacarias

Ch 13

Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: a) Motion for Hardship Discharge Filed by Debtor (37)

b) Opposition Filed by Santa Clara Department of Child Support

Attorney for Creditor - Nancy Space

Comment Tentative Ruling: This matter will be called.

9:30 AM **09-53375** Charlotte C. Lazar

Ch 13

Trustee: Derham-Burk

Moving: Charles B. Greene

Opposing:

Debtor or Plaintiff Attorney: Charles B. Greene

Matter: Motion to Value Lien (3743 Twilight Dr., San Jose, CA) re Bank of America by Debtor (74)

Comment Tentative Ruling - Motion is granted. See docket text order.

9:30 AM **09-54827** Anil Chaudhry and

Ch 13

Teresa M. Archibeque

Trustee: Derham-Burk

Moving: Merrisa Coleman-Bishop

Opposing:

Debtor or Plaintiff Attorney: Merrisa Coleman-Bishop

Matter: Motion to Modify Plan by Debtors (64)

Comment Tentative Ruling: Service of Motion is defective. Debtor did not serve HSBC which requested special notice (Doc #21) and opted out of ECF notice. Motion continued to 12/15 @ 9:30am and debtor to file amended COS and notice of continued hrg 10 days prior.

9:30 AM 10-57783 Bao Q Tran and
Ch 7 Duong T Tran
Trustee: Richardson

Moving: Cathleen Cooper Moran

Opposing:

Debtor or Plaintiff Attorney: Cathleen Cooper Moran

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Matter: Application for Compensation of Fees: \$14,940.00 and reimbursement of Expenses: \$866.77 by Attorney for Debtors - Moran Law Group (58)

*Notice of Conversion fld 11/14/11

Comment Tentative Ruling: Fees and expenses approved as filed.

9:30 AM 10-60398 Fred Portillo
Ch 13
Trustee: Derham-Burk

Moving: Craig Hansen

Opposing:

Debtor or Plaintiff Attorney: John G. Downing

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Matter: Objection to Confirmation of Plan by M & G Investments (30)

Comment Tentative Ruling: Matter will be called to set evidentiary hearing re value of truck. Counsel should be prepared with available dates for counsel and witnesses.

9:30 AM 10-62062 Dante C Patalot and
Ch 13 Zenaida M Patalot
Trustee: Derham-Burk

Moving: William G. Malcolm

Opposing:

Debtor or Plaintiff Attorney: John G. Downing

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Matter: Objection to Confirmation of Plan by JPMorgan Chase Bank, N.A. (22)

Comment Tentative Ruling: Matter will be called to set evidentiary hearing re dispute on arrearages. Counsel should be prepared with available dates for counsel and witnesses.

9:30 AM 11-50408 Phuc Thanh Pham and
Ch 13 Trish Pham
Trustee: Derham-Burk

Moving: Stanley Phan

Opposing:

Debtor or Plaintiff Attorney: Stanley Phan

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Matter: a) Motion to Avoid Lien with Santa Clara County FCU by Debtor (42)

b) Opposition Filed by Santa Clara Federal Credit Union - Mark Oto

Comment Tentative Ruling: If matter is not settled, it will be called to set evidentiary hearing re value. Counsel should be prepared with available dates for counsel and witnesses.

9:30 AM 11-50479 Hoc Thai Nguyen and
Ch 13 Janie Nguyen
Trustee: Derham-Burk
Moving: Timothy J. Silverman
Opposing:
Debtor or Plaintiff Attorney: Stanley Phan

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Matter: Motion for Adequate Protection Payments Filed by JPMorgan Chase Bank, N.A. (33)
Comment **Tentative Ruling:** This matter will be called.

9:30 AM 11-50643 John Boland Buchanan
Ch 13
Trustee: Derham-Burk
Moving: Elise M. Mitchell
Opposing:
Debtor or Plaintiff Attorney: Elise M. Mitchell

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Matter: Motion to Avoid Lien with PNC BANK-NATIONAL CITY BANK by Debtor (61)
Comment **Tentative Ruling:** Motion is denied b/c notice of hearing is defective. It does not convey the time and method for presenting objections. Court will issue order.

9:30 AM 11-51505 Craig Allen Norman
Ch 13
Trustee: Derham-Burk
Moving: Grace Feldman
Opposing:
Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: Objection to Confirmation of Plan by Wells Fargo Auto Finance (12)
Comment *RESTORED HEARING W/DRAWN 11/9/11*

9:30 AM 11-53210 Gregory P. Douglas
Ch 13
Trustee: Derham-Burk
Moving: Lars T. Fuller
Opposing:
Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: Motion to Avoid Lien with Wells Fargo Bank, N.A. on 3598 Sweigert Road, San Jose, CA by Debtor (17)
Comment **Tentative Ruling:** This matter will be called.

9:30 AM 11-54025 Diane Elizabeth Allen Perry
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

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Matter: Motion to Avoid Lien with BSI Financial Services, Inc./Lehman Brothers Bank, FSB/Mortgage
Electronic Registration Systems, Inc./Aurora Bank FSB by Debtor (29)

Comment **Tentative Ruling:** This matter will be called.

9:30 AM 11-56092 Kourosh Nosrati
Ch 13
Trustee: Derham-Burk

Moving: Gary Paul

Opposing:

Debtor or Plaintiff Attorney: Gary Paul

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Matter: Hearing re Second Amended Objection to Claim of Wells Fargo Bank No. 2 by Debtor (18)

Comment **Tentative Ruling:** This matter will be called.

9:30 AM 11-56131 Theodore Lee Wolffe and
Ch 13 Priscilla Evangelista Wolffe
Trustee: Derham-Burk

Moving: William G. Malcolm

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: Objection to Confirmation of Plan by JPMorgan Chase Bank, NA (29)

Comment **Tentative Ruling:** This matter will be called.

9:30 AM 11-56308 Rebecca Balendo Ganiban
Ch 13
Trustee: Derham-Burk

Moving: Michael N. Sofris

Opposing:

Debtor or Plaintiff Attorney: Michael N. Sofris

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Matter: Objection to Claim re WELLS FARGO BANK (18)

Comment **Tentative Ruling:** Objection sustained. No opposition filed and court finds the objection has merits.

9:30 AM 11-56431 Thong V. Nguyen and
Ch 13 Kim Hoang
Trustee: Derham-Burk

Moving: Jonathan J. Damen

Opposing:

Debtor or Plaintiff Attorney: Drew Henwood

Matter: Motion to Set Aside Order Valuing and Voiding Wholly Unsecured Lien of JPMorgan Chase Bank, N.A. or in The Alternative for Reconsideration by JPMorgan Chase Bank, N.A. (27)

Comment **Tentative Ruling:** This matter will be called.

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9:30 AM 11-56699 Annadean Masangkay
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

Matter: Motion to Avoid Lien with Chase Home Finance/Washington Mutual Bank/JPMorgan Chase Bank, N.A. by Debtor (25)

Comment **Tentative Ruling:** Motion is granted. See docket text order.

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9:30 AM 11-56743 Beatriz Camacho Franco
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

Matter: Motion to Avoid Lien with San Jose Credit Union/San Jose Credit Union, Inc. by Debtor (14)

Comment **Tentative Ruling:** Motion is granted. See docket text order.

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9:30 AM 11-57587 Jimmy Yook Fong and
Ch 13 Gail Katherine Gillson
Trustee: Derham-Burk

Moving: Jason B. Cruz

Opposing:

Debtor or Plaintiff Attorney: Jason B. Cruz

Matter: Motion to Avoid Lien with Green Tree Loan Servicing by Debtor (15)

Comment **Tentative Ruling:** Motion is denied for defective service. Service not made on an officer of Green Tree or agent authorized by law to receive service of process, as required by FRBP 7004(b)(3).

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9:30 AM	11-58333	Daniel Fernandez and Ch 13 Trustee: Derham-Burk	
Moving:	Brette L. Evans		
Opposing:			
Debtor or Plaintiff Attorney:	Brette L. Evans		20
Matter:	Motion to Avoid Lien with Bank of America, NA by Debtors (36)		
Comment	Tentative Ruling: Motion is granted. See docket text order.		
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9:30 AM	11-58393	Stephen M. Strauss and Ch 13 Trustee: Derham-Burk	
Moving:	W. Kirk Moore		
Opposing:			
Debtor or Plaintiff Attorney:	W. Kirk Moore		21
Matter:	a) Motion Setting Property Value Filed by Debtors (8)		
	b) Opposition by Wells Fargo Bank - Arnold Graff		
Comment	Tentative Ruling: This matter will be called.		
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9:30 AM	10-63049	Penny M. Angosta and Ch 13 Trustee: Derham-Burk	
Moving:	Brette L. Evans		
Opposing:			
Debtor or Plaintiff Attorney:	Brette L. Evans		22
Matter:	Motion to Approve Document by Debtor (51)		
	STMT OF NON-OPP FILED BY TRUSTEE 11/14/11		
Comment	Tentative Ruling: Motion is granted unless there is objection at the hearing.		
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9:30 AM	11-59804	Sidney Theodore Scarlett Ch 13 Trustee: Derham-Burk	
Moving:	Lars T. Fuller		
Opposing:			
Debtor or Plaintiff Attorney:	Lars T. Fuller		23
Matter:	a) Motion to Impose Automatic Stay as to All Creditors by Sidney Scarlett (6)		
	b) Opposition by Mercedes-Benz Financial Services USA LLC - Rebecca Caley		
Comment	Tentative Ruling: Matter will be called.		
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UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – November 17, 2011 at 9:30 a.m.

**With respect to the following cases, objections were filed and subsequently withdrawn;
therefore, the Court confirms the following cases:**

The following cases shall be **CONFIRMED**:

- | | |
|---|------------------------------|
| 24. REYNALDO HERRERA
11-5-0316 SLJ | ATTY – MOORE |
| 25. GILL SCHAPER
11-5-0810 SLJ | ATTY – LIN & WOOD |
| 26. JOSE & FLORA CASTILLO
11-5-3116 SLJ | ATTY – MILLER |
| 27. NORBERTO & AMERICA SALAZAR
11-5-3499 SLJ | ATTY – THE MLNARIK LAW GROUP |
| 28. MARCIA ESPARZA
11-5-3742 SLJ | ATTY – STEBURG |
| 29. JOAQUIN & RAFAELA MENA
11-5-4098 SLJ | ATTY – CARBALLO |
| 30. SCOTT & SHANNON RENFREW
11-5-5063 SLJ | ATTY – LIPOWITZ |
| 31. TROY STONE
11-5-5185 SLJ | ATTY – SAGARIA |
| 32. FRANCISCO & MARILYN BRAVO
11-5-5436 SLJ | ATTY – PACHECO |

33. KEVIN DIPKO 11-5-5442 SLJ	ATTY – MOORE
34. ELIAZAR & SILVIA GONZALEZ 11-5-6378 SLJ	ATTY – EDGAR LAW GROUP
35. LISA WHITLOCK 11-5-6429 SLJ	ATTY – GUTCHINOV
36. ANGELITA FERNANDEZ 11-5-7250 SLJ	ATTY – SAGARIA
37. MICHAEL & CARMEN MESA 11-5-7330 SLJ	ATTY – FULLER
38. ENRIQUE & AMELITA APOLINAR 11-5-7402 SLJ	ATTY – LINCOLN LAW
39. JOSE PEREZ-GARCIA 11-5-7595 SLJ	ATTY – ALLIOTTS
40. EDDIE & ANGIE KILLINGSWORTH 11-5-7770 SLJ	ATTY – MOORE
41. SETH MASTER 11-5-8111 SLJ	ATTY – BOONE

The court has determined that it is in the best interests of creditors and the estates to hold the Confirmation Hearings earlier than 21 days after the meetings of creditors. No objections to the earlier hearing have been filed; therefore, the following plans are either confirmed or placed on the Trustee's Pending List:

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH NO OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – November 17, 2011 at 9:30 a.m.

The following cases shall be **CONFIRMED**:

42. MARIA ZARATE 11-5-8400 SLJ	ATTY – BOONE
43. ANNABELLE ABELLERA 11-5-8405 SLJ	ATTY – AHN
44. LARRY & KAREN ODOM 11-5-8476 SLJ	ATTY – MOORE
45. RICHARD PILEY 11-5-8588 SLJ	ATTY – SHULMAN
46. JOSEPH & PHYLLIS SANDIGO 11-5-8639 SLJ	ATTY – BOONE
47. JENNIFER NAVARRO 11-5-8642 SLJ	ATTY – BOONE
48. TRACEY COLELLA 11-5-8661 SLJ	ATTY – SHULMAN

49. KIRA SMARTT
11-5-8693 SLJ

ATTY – MOORE

50. TAMMY TACITO
11-5-8695 SLJ

ATTY – MOORE

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – November 17, 2011 at 9:30 a.m.

From: 341 MEETING OF CREDITORS, October 24, 28 & 31; & November 2, 2011

TO BE PLACED ON TRUSTEE'S PENDING LIST:

51. STEPHEN & ALMA STRAUSS 11-5-8393 SLJ	ATTY – MOORE OBJECTION BY - TRUSTEE
52. SERGIO & ALMA FERNANDEZ 11-5-8411 SLJ	ATTY – FULLER OBJECTION BY – TRUSTEE
53. LINDA MITCHELL 11-5-8413 SLJ	ATTY – CAPUTO OBJECTION BY – TRUSTEE
54. SUSAN MCFARLAND 11-5-8418 SLJ	ATTY – MOORE OBJECTION BY – TRUSTEE
55. DEBRA HERRERA 11-5-8419 SLJ	ATTY – MOORE OBJECTION BY – BANK OF AMERICA
56. THOMAS CLARKE 11-5-8436 SLJ	ATTY – MORAN LAW GROUP OBJECTION BY – TRUSTEE
57. ZELIA LEAL 11-5-8459 SLJ	ATTY – ERICKSEN OBJECTION BY – TRUSTEE
58. IRMA JIMENEZ 11-5-8480 SLJ	ATTY – KOZLOV OBJECTION BY – TRUSTEE
59. NATHANIEL LENFESTEY 11-5-8491 SLJ	ATTY – ALLIOTTS OBJECTION BY – TRUSTEE & IRS

60. JUAN HERRERA
11-5-8494 SLJ

ATTY – FULLER
OBJECTION BY – TRUSTEE

61. MANUEL & FERLINA DELA CRUZ
11-5-8496 SLJ

ATTY – HENSHAW
OBJECTION BY - TRUSTEE

62. LARRY HIGHTOWER SR
11-5-8498 SLJ

ATTY – JAURIGUE
OBJECTION BY – TRUSTEE & US BANK

63. ELEANOR LICUP
11-5-8502 SLJ

PRO SE
OBJECTION BY - TRUSTEE

64. EVELIA MADRIGAL
11-5-8524 SLJ

ATTY – GOLD & HAMMES
OBJECTION BY - TRUSTEE

65. DAVID & BRENDA SANDOVAL
11-5-8528 SLJ

ATTY – ZIMMERSHEAD
OBJECTION BY – TRUSTEE

66. MARTIN ARCINIEGA
11-5-8531 SLJ

ATTY – FULLER
OBJECTION BY – TRUSTEE

67. HARKIRAT MANN
11-5-8532 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE & BANK OF
AMERICA

68. PHILLIP & DEBBIE MAIN
11-5-8533 SLJ

ATTY – HSU
OBJECTION BY - TRUSTEE

69. CATHERINE CARRILLO
11-5-8543 SLJ

ATTY – LAND COUNSEL
OBJECTION BY - TRUSTEE

70. FRANCES SIERRA
11-5-8549 SLJ

ATTY – HENSHAW
OBJECTION BY - TRUSTEE

71. DONNA MEDVED
11-5-8566 SLJ

ATTY – MLNARIK
OBJECTION BY - TRUSTEE

72. SALLY MAMARIL
11-5-8589 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

73. FRANCISCO & GUADALUPE PARGA
11-5-8593 SLJ

ATTY – SABARATNAM
OBJECTION BY – TRUSTEE & IRS

74. MARIA YANEZ
11-5-8596 SLJ

ATTY – SCHEIN & CAI
OBJECTION BY – TRUSTEE

75. PAUL & TAMMY DREWS
11-5-8622 SLJ

ATTY – HENSHAW
OBJECTION BY – TRUSTEE

76. CHRISTOPHER WILLIAMS
11-5-8629 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

77. RUDY & JANIE PERALES
11-5-8635 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

78. VICTOR & ANGELICA VELES
11-5-8637 SLJ

ATTY – CAPUTO
OBJECTION BY – TRUSTEE

79. NICKOLAI & ELENA LITVINENKO
11-5-8645 SLJ

ATTY – KOZLOV
OBJECTION BY – TRUSTEE

80. SALVADOR CAMPUZANO
11-5-8663 SLJ

ATTY – VOISENAT
OBJECTION BY – TRUSTEE & CITIBANK

81. JESUS & BERNARDA NARANJO
11-5-8683 SLJ

ATTY – DOUGHERTY
OBJECTION BY – TRUSTEE

82. OSCAR JIMENEZ
11-5-8687 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE &
JPMORGAN CHASE BANK

83. NEVA & JASON CARBALLAR
11-5-8703 SLJ

ATTY – EVANS
OBJECTION BY – TRUSTE

84. IRENE TORRES
11-5-8706 SLJ

ATTY – YOMTOV
OBJECTION BY – TRUSTEE

85. GARNET MAGPAYO
11-5-8760 SLJ

PRO SE
OBJECTION BY – TRUSTEE & JP
MORGAN CHASE BANK